Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

WADE N. SCHOFIELD,

Petitioner,

VS.

STATE OF UTAH,

Respondent.

On Petition For Writ Of Certiorari
To The Utah Supreme Court

SUPPLEMENTAL APPENDIX

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9 pp

FILED
Jun 30 2000
SECOND
DISTRICT COURT

IN THE SECOND JUDICIAL DISTRICT COURT OF UTAH
DAVIS COUNTY, FARMINGTON DEPARTMENT

THE STATE OF UTAH,

Plaintiff,

v.

WADE N. SCHOFIELD,

Defendant.

RULING ON DEFENDANT'S MOTION TO DISMISS INFORMATION

Case No. 001700315

This matter came before the Court for hearing on June 20, 2000. The defendant was present and represented by Laura K. Thompson. The State was represented by Brian J. Namba and Michael D. DiReda. Counsel for defendant submitted a memorandum in support of this motion, and counsel for the State of Utah submitted a memorandum in opposition to the motion. The Court has carefully considered the submissions of the parties. Being fully informed, the Court enters the following findings of fact

and conclusions of law:

FINDINGS OF FACT

The Court finds that the following facts support its ruling:

1. Defendant was born on September 30, 1977.

2. On November 16, 1999, Utah County office of the Division of Child and Family Services ("DCFS") faxed a child sexual abuse report to the Syracuse Police Department ("SPD"). The report was taken from two alleged victims, J.S. and C.S.

3. The matter was referred to Detective Mark Sessions of the SPD. Detective Sessions contacted DCFS in Provo and arranged interviews with J.S. and C.S.

4. Detective sessions [sic] interviewed J.S. and C.S. on November 22, 1999.

5. During the interviews, both J.S. and C.S. alleged that the defendant had sexually abused them when he was 16-17 years old.

6. Detective Sessions contacted the defendant on November 23, 1999, and asked the defendant to come to the offices of the SPD. Defendant complied, and made statements to Detective Sessions that incrimiate [sic] the defendant. Detective Sessions subsequently referred the matter to the

Davis County Attorney's Office ("DCAO").

7. The DCAO filed the Information on this matter on March 13, 2000.

CONCLUSIONS OF LAW

The issue before the Court is whether the district court has jurisdiction over the defendant with respect to the offenses charged in the Information. Defense counsel argues that jurisdiction of this matter lies in the juvenile court.

Utah Code Annotated § 78-3-4 (1) states: "The district court has original jurisdiction in all matters civil and criminal, not excepted in the Utah Constitution and not prohibited by law." Thus, the district court has jurisdiction over this matter unless there is some constitutional provision or statute which takes it away. Counsel have not pointed to any constitutional provision that divests the Court of jurisdiction over this matter. Rather, defense counsel argues that Utah Code Annotated § 78-3a-104 (1) (a) places jurisdiction over this matter in the juvenile court.

The Court notes that the juvenile courts were created by statute. Thus, the jurisdiction of the juvenile courts is limited strictly to matters delineated in the Juvenile Court Act of 1996 ("the Act"). The only jurisdictional provision in

the Act that is relevant here is found in Utah Code Annotated § 78-3a-104 (1) (a), which provides that the juvenile courts have jurisdiction over "a minor who has violated any . . . state . . . law . . . or a person younger than 21 years of age who has violated any law . . . before becoming 18 years of age, regardless of where the violation occurred, excluding traffic laws and ordinances[.]" This statute gives jurisdiction over criminal matters to the juvenile courts where the defendant is a minor when charged with a crime; it also gives jurisdiction to the juvenile courts where the defendant has committed a crime before the defendant turned 18, and is charged with that crime before the defendant reaches the age of 21. This is the full extent of the jurisdiction of the juvenile courts over criminal matters.

Turning to the facts of this case, it is undisputed that the defendant was less than 18 years old when he allegedly committed the crimes he is charged with. If charges had been filed before the defendant reached 21 years of age, jurisdiction would have been proper only in the juvenile court. However, the Syracuse Police Department and the Davis County Attorney were not even made aware of the alleged conduct of

the defendant until long after his twenty-first birthday.[1] The Information was then filed when the defendant was nearly 22 1/2 years old. Thus, the juvenile court does not have jurisdiction over the defendant, because he does not fit within the juvenile court's statutorily defined jurisdiction. Jurisdiction is proper in the district court, pursuant to Utah Code Annotated § 78-3-4 (1).

The Court further finds that defendant's argument that to prosecute the defendant in the district court would be an unlawful ex post facto application of the law can be summarily dismissed. The jurisdiction provisions cited by the Court were the same at the time of the defendant's alleged offenses as they are now. The Court is not retroactively applying any statute to the defendant. While it is true that the district court would not have been able to exercise jurisdiction over the defendant if he had been apprehended and charged at or near the time of the alleged offenses, that is simply not the case. The defendant would have the Court focus solely on his age at the time of the

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[1]The defendant turned 21 on September 30, 1998. DCFS reported defendant's alleged conduct to the SPD on November 16, 1999.

However, the plain wording of the statute indicates that the legislature intended to vest jurisdiction in the district courts in all cases where the defendant is less than 18 years of age when an offense is committed, but is more than 21 years of age when charged with the offense. This indicates that the legislature has decided how to deal with individuals in the defendant's situation, and the legislature has directed the courts to look at the age of the defendant at the time charged to determine which court has jurisdiction.

Finally, the Court finds that the prosecution of the defendant in the district court does not violate his right to equal protection. The jurisdictional statutes in question here do not treat similarly situated persons differently. Rather, they ensure than any person who commits a crime while under the age of 18, and who is charged prior to reaching the age of 21, will be prosecuted in the juvenile court system. Similarly, they ensure that any person who commits a crime while under the age of 18, and who is charged after he or she reaches the age of 21, will be prosecuted in the district courts.

The defendant argues that this situation unconstitutionally vests too much discretion in prosecuting attorneys. That argument must be rejected. There is no evidence that the prosecutors in this case exercised any

discretion. Law enforcement authorities were not even notified of the defendant's alleged offense until he was 22 years old. Under the Court's analysis above, the prosecutors had no choice but to file the Information in the district court, because the district court had exclusive jurisdiction over the defendant at that time.

CONCLUSION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, the Court hereby rules that defendant's Motion to Dismiss [the] Information is DENIED. The case will proceed in the district court.

Dated this 29th day of June, 2000,

BY THE COURT:

_____/s/_____
RODNEY S. PAGE
DISTRICT JUDGE

CERTIFICATE OF DELIVERY

I certify that I mailed, postage prepaid, a true and correct copy of the foregoing Ruling on June 30, 2000 to the following:

Brian J. Namba
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_____/s/_____
Deputy Court Clerk